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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/675,926   | 09/30/2003  | Gregory Scott Clark  | 215.1021.02         | 2366             |
| 22883  | 7590        | 02/03/2006           | EXAMINER            |                  |
| SWERNOFSKY LAW GROUP PC<br>P.O. BOX 390013<br>MOUNTAIN VIEW, CA 94039-0013 |             |                      | HAMILTON, LALITA M  |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3624                |                  |

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                       |                                    |  |
|------------------------------|---------------------------------------|------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/675,926  | <b>Applicant(s)</b><br>CLARK ET AL |  |
|                              | <b>Examiner</b><br>Lalita M. Hamilton | <b>Art Unit</b><br>3624            |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10212005</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Request for Continued Examination (RCE)**

The RCE submitted on September 15, 2005 has been entered. A new action follow below.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-11, 13-16, and 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Eicher (US 2002/0099598).

Eicher discloses a method and corresponding system for supply chain management comprising an electronic supply chain management and collaborative planning, including a plurality of hubs, remotely coupled to each other, a set of information stored in a database coupled to each said hub, wherein said set of information is owned by business entities relatively proximate to each said hub, a set of regional authorities controlling access to said set of information, a computer program coupled to each said hub that distinguishes between simple tasks and complex tasks, a server coupled to at least one of said hubs, wherein said server is dedicated to performing simple tasks, and a server coupled to at least one of said hubs, wherein said

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server is dedicated to performing complex tasks (p.15-16, 186; p.5, 60-65; p.9, 104-106; and fig.2—all); at least one hub is designated as a said regional authority with respect to synchronizing said set of information stored at other said hubs (p.15-16, 186; p.5, 60-65; p.9, 104-106; and fig.2—all); a plurality of hubs, remotely coupled to each other, a set of information stored in a database coupled to each said hub, wherein said set of information is owned by business entities relatively proximate to each said hub, a set of regional authorities controlling access to said set of information, computer program coupled to each said hub that distinguishes between simple tasks and complex tasks, a server coupled to at least one of said hubs, wherein said server is dedicated to performing simple tasks, and a server coupled to at least one of said hubs, wherein said server is dedicated to performing complex tasks (p.15-16, 186; p.5, 60-65; p.9, 104-106; and fig.2—all); at least one hub is designated as a said regional authority with respect to synchronizing said set of information stored at other said hubs (p.15-16, 186; p.5, 60-65; p.9, 104-106; and fig.2—all); set of information is synchronized by restricting which hub in said plurality of hubs can perform a write operation to the set of information (p.15-16, 186; p.5, 60-65; p.9, 104-106; and fig.2—all); regional authority includes a token, wherein said token permits said regional authority to exercise control (p.15-16, 186; p.5, 60-65; p.9, 104-106; and fig.2—all); the designation of said regional authority is determined by at least one of the following: subnet location, class of goods, proximity to a valued client, and network locations as measured by geography or network location (p.15-16, 186; p.5, 60-65; p.9, 104-106; and fig.2—all); the designation of said regional authority is responsive to which hub in said plurality of hubs is experiencing more

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business activity than other hubs in said plurality of hubs (p.15-16, 186; p.5, 60-65; p.9, 104-106; and fig.2—all); business activity is measured by at least one of the following: (1) number of transactions, (2) number of units being traded, and (3) monetary value of transactions (p.15-16, 186; p.5, 60-65; p.9, 104-106; and fig.2—all); information regards an electronic transaction performed by said hub or a business entity that conducts business using said hub (p.15-16, 186; p.5, 60-65; p.9, 104-106; and fig.2—all); receiving a message from a user parsing said message and determining the relative complexity of tasks associated with said messages, separating messages that require processing from those messages that do not require processing, sending a message requiring processing to a heavyweight server, wherein said message requiring processing is processed and sent to a user, and sending a message not requiring processing to a lightweight server, wherein said ' message not requiring processing is sent to a user (p.15-16, 186; p.5, 60-65; p.9, 104-106; and fig.2—all); receiving and processing a set of information from said user regarding a message requiring processing at said heavyweight server (p.15-16, 186; p.5, 60-65; p.9, 104-106; and fig.2—all); step of processing includes performing a series of calculations and storing a result in a database (p.15-16, 186; p.5, 60-65; p.9, 104-106; and fig.2—all); wherein said step of processing includes storing a record of said information in a database (p.15-16, 186; p.5, 60-65; p.9, 104-106; and fig.2—all); a plurality of hubs, remotely coupled to each other, a set of regional authorities controlling access to a set of information divided into a set of subsets of information as determined by said regional

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authorities, whereby each of said subsets of information is stored in a database coupled to each said hub, a set of business entities, whereby each said subset of information is owned by a business entity relatively proximate to each said hub, a computer program coupled to each said hub that distinguishes between simple tasks and complex tasks, a server coupled to at least one of said hubs, wherein said server is dedicated to performing simple tasks, and a server coupled to at least one of said hubs, wherein said server is dedicated to performing complex tasks (p.15-16, 186; p.5, 60-65; p.9, 104-106; and fig.2—all); and a plurality of remotely coupled hubs, each of said hubs each including a database, a set of regional authorities for controlling access to a set of information, said set of regional authorities dividing access control of said set of information among said set of designated regional authorities, a division of said set of information between said hubs stored in each said hub's database, a communication exchange between a first regional authority and a second regional authority, wherein said first regional authority requests instructions for obtaining data under the access control of the second regional authority (p.15-16, 186; p.5, 60-65; p.9, 104-106; and fig.2—all).

### ***Response to Arguments***

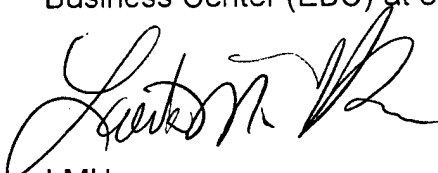
Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (8:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LMH